UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.195
23 January 1995

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 195th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 January 1995, at 3 p.m.

Chairperson: Mrs. BADRAN

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* The second part (closed) of the meeting was not covered in a summary record.

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GE.95-15166 (E)

The public meeting was called to order at 3.15 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 7)

1. The CHAIRPERSON invited Mr. Hammarberg to introduce an informal paper he had prepared to serve as a focus for a discussion on ways and means of improving cooperation between the Committee and the specialized agencies and other competent United Nations bodies.

2. Mr. HAMMARBERG began by thanking the agencies for the extremely valuable work they had done both in disseminating information on the Convention and in assisting the Committee in its work. At a similar meeting held the previous year, it had been agreed that further meetings should be held periodically in order to take stock of the developing situation and to ensure that the time devoted by the agencies to the Committee was being used to the best effect. The informal paper he had prepared read:

"Agenda for the meeting in the Committee on the Rights of the Child on cooperation between the Committee and United Nations agencies and bodies

1. The United Nations Committee on the Rights of the Child has defined six 'macro goals' for the support work in relation to the Convention:

- Universal ratification by the end of 1995
- Withdrawal of reservations to the Convention
- Submission of timely and constructive reports
- Effective international monitoring
- Support to the national process
- International cooperation for implementation.

Question: What further activities can be undertaken to pursue these goals?

2. The agencies have given invaluable assistance to Committee procedures by providing information in relation to the processing of State party reports.

Question: What is the experience on the agency side of this cooperation? Can the cooperation be improved or made more effective (e.g. through modern information techniques)?

3. In some cases formal agreements (on the rights of the child or more broadly) have been signed by the heads of the respective agency and the Centre for Human Rights.

Question: What is the experience of these agreements? Can they be improved? Can they be followed through in a more systematic fashion? Should there be similar agreements with all relevant agencies?

4. The agencies have given valuable input to the general thematic discussions (on armed conflict, exploitation, the family context) of the Committee.

Question: What has been the value of these general discussions? Could their impact be strengthened? Could there be more cooperation before the themes are determined? Should there be more cooperation on the follow-up?

5. All relevant agencies have contributed to spreading information about the Convention within their contexts. Some have assigned focal points in their headquarters structures for the children's rights aspect of the respective programmes. Some have reviewed the programmes in the light of the Convention.

Question: Could more be done to promote the Convention within the respective organizations? Could the Committee be of any help in these endeavours?

6. Some agencies have not attended the Committee meetings often, others have been present more frequently. Perhaps the Committee could be more clear on when the presence of the agencies would be most valuable.

Question: Should we try to agree on routines in relation to agency attendance in the Committee which would bring it valuable input but not, at the same time, draw unduly on the agency resources?"

3. Information was clearly a major aspect of several of the six items enumerated. Concerning item 1, he wished to place particular stress on international cooperation. In his opinion, the Committee had failed to come up with an effective system for using its concluding observations as a guideline for increasing international cooperation. The Committee would welcome the agencies' opinions on all six questions. In view of the very broad scope of some of the questions, it might be advisable for the Committee and agency representatives to reconvene after a period of reflection, perhaps in May or June 1995, in order to discuss the issues in greater depth.

4. The CHAIRPERSON proposed that the Committee should first address item 2 of the informal paper. She invited representatives of agencies to join members of the Committee in giving their reactions to the question of improving cooperation on the provision of information.

5. Mr. PICARD (International Labour Organisation) said experience had shown that the work involved in cooperation between the International Labour Organisation (ILO) and the Committee was fairly time-consuming. It was thus necessary to convince the ILO's principals that such tasks, which fell outside the organisation's ordinary mandate, were a worthwhile exercise. One way of improving cooperation would be for the Committee to specify more clearly what type of information it required on a regular basis. In that way, ILO would be

spared the task of compiling a mass of information that might or might not be of relevance. Needless to say, ILO was always ready to provide country-specific information in the context of consideration of country reports.

6. Ms. BLANCHET (United Nations Children's Fund) said that at the latest meeting between the Committee and representatives of UNICEF from headquarters it had been proposed to involve representatives of UNICEF staff working in the field, who were the ones most familiar with the day-to-day situation, in the work of the Committee's pre-sessional working group. She could now confirm that representatives of the national UNICEF committees had expressed their readiness to come to Geneva to contribute to the proceedings of the pre-sessional working group.

7. The CHAIRPERSON said that a contribution by the national UNICEF committees would be a valuable complement to the information the Committee already gained from the UNICEF reports and country analyses.

8. Mrs. TIMBERLAKE (World Health Organization) said that the World Health Organization (WHO) was very interested in working more closely with the Committee. Nevertheless, finding the resources, the time and the most cost-effective way of providing country-specific information was a real challenge, for WHO was a highly centralized agency and children's health issues represented just one aspect of its broad spectrum of activities. She herself had met recently with the Committee secretariat to discuss more effective ways of providing the Committee with information on her own special area of competence, namely, AIDS.

9. WHO attached great importance to the need for further efforts by the United Nations human rights treaty bodies to identify the essential links between the protection of human rights and health in the broad sense. Much work was being done in that area, but further clarification was needed. HIV/AIDS, for instance, was something that raised many human rights concerns, since protection of certain rights was essential if the spread of the disease was to be halted. Young people and children - who were disadvantaged not only in terms of social, economic and political rights, but also in terms of access to education, health care and information on prevention - were particularly vulnerable to infection. WHO was thus urging Governments to recognize the importance of the rights to health, education and protection from abuse and discrimination in the fight against AIDS, and to build a human rights component into their response to the pandemic. However, since it was not part of WHO's mandate to monitor human rights issues at country level, the organization relied heavily on the various human rights treaty-monitoring bodies in that regard. For its part, WHO would try to find ways of providing the Committee with information that would assist it in that task. To that end, it had briefed the Committee on HIV/AIDS matters in April 1994 and, in December 1994, had addressed a letter to the Chairperson, detailing issues arising under each article of the Convention.

10. The CHAIRPERSON said that the contents of the letter in question would be very helpful to the Committee in its discussions of reports with country representatives. Each agency's respective area of competence was highlighted in a specific article or articles of the Convention: the Committee would thus

require each agency to furnish information relating to those articles relevant to its mandate, with particular reference to trends, and to variations between geographical regions, between the sexes and between population groups. Such information would be useful, not only in the context of the consideration of country reports, but also in every case in which an agency had singled out a particular country for scrutiny because particular problems had been detected.

11. Mr. KOLOSOV said that the Committee was of course interested in principle in obtaining additional information, but it was impossible for it to process all the information pouring out of the United Nations system. Information papers should be shorter and should focus on what Governments must do and how they should do it. The lists of issues were useful but were often too long, as were the written replies of Governments. The lists should concentrate on perhaps four or five core issues and should be made available in time for use by the pre-sessional working group. Input from the agencies must be provided in time for inclusion in the final list of issues. Otherwise, points emerging from such input could be raised only orally at the meetings with country delegations. That would be of little value to the agencies, which needed written answers.

12. Mr. HAMMARBERG said that another useful task for the agencies was to educate the Committee and alert it to problems it had not fully grasped. There should then be follow-up meetings for discussion of how the particular problems were being dealt with. The mass of information supplied to the Committee could be made more digestible if the resources of the Centre for Human Rights were strengthened to provide a better service and make the Committee's proceedings more professional. Despite the time problem, the input from the agencies should whenever possible be discussed directly with their representatives, and that could best be done in the pre-sessional working group. However, it was useful for agency representatives to attend the formal sessions in order to provide expert information. The attendance of agency experts could perhaps be arranged on an ad hoc basis, with a more junior member of the agency attending the rest of the session.

13. The CHAIRPERSON said that it would be good for the agencies to view the dialogue as a two-way one which helped them to achieve their goals. They should not feel that they were wasting their time at the Committee's meetings or merely engaging in a one-way exercise.

14. Mrs. SANTOS PAIS said it was a pity that the meeting was being attended only by the agencies with which the Committee was already collaborating. The Committee should be more proactive in securing the attendance of other agencies which could play an important role in the discussions. The Convention placed high priority on international cooperation for the protection of children, and the Convention arrangements represented the first combination of assessment of national situations with recommendations for action. Moreover, the World Conference on Human Rights had encouraged the whole United Nations system to give priority to the rights of the child, providing a further mandate for the agencies to collaborate with the Committee. One of the Committee's main concerns was to assist the national efforts to improve the plight of children. The information provided by the

agencies about national situations and areas requiring technical assistance was a vital contribution to the Committee's deliberations on recommendations for national programmes.

15. The Committee could in turn serve as a forum for enhancing the agencies' awareness of issues affecting the rights of the child which also fell within their own mandates. It could take up the WHO challenge to identify the human rights perspective, but there was no need for a conceptual discussion as to what constituted human rights. While it must be frustrating for agency representatives not to be able to intervene at the meetings with delegations, they could make an important contribution in the pre-sessional working group and thus make sure that their concerns would be raised at the formal meetings. It was also a good idea for the United Nations to speak with one voice on a country's problems.

16. There had been some positive developments. UNHCR, for example, had produced guidelines on refugee children based on the provisions of the Convention. At the latest session of the General Assembly, UNICEF had been asked to report to the Committee on specific issues, to try to increase awareness of the Convention and to support action recommended by the Committee at the country level. UNHCR had also decided to submit a substantive report to the Committee and to organize field visits for its members. She hoped that the decision would soon be acted on.

17. Mrs. BELEMBAOGO said that the meetings with the agencies were certainly useful, but the dialogue must be a two-way one offering benefits to the agencies as well. The agencies could do much to help the Committee in specialized areas, but their contribution could best be made in the pre-sessional working group. Direct discussions with agency representatives were the best way of deciding which issues should be taken up with Governments, especially with respect to discrepancies between the information provided by Governments and that provided by the agencies and NGOs. The agencies could also provide useful information about the relative seriousness of the situation in different countries. The agencies need not attend the whole of the Committee's session - only when they had relevant contributions to make contributions which could be particularly useful when the Committee was calling for a Government to take action in an area also covered by other conventions. A joint approach by the Committee and the agencies had a much greater impact.

18. With regard to the question of the usefulness of the general thematic discussion meetings, the Committee must make arrangements for processing and publishing a report on the mass of information and the recommendations which resulted from the meetings. Something was needed in addition to the summary records, especially on the specific themes which the Committee decided to take up. One course would be to produce fascicules on individual topics. The agencies and the NGOs should be invited to make proposals for a procedure which would be most useful to them.

19. Mr. KOLOSOV said that the Committee's concluding observations necessarily contained stringent recommendations on behalf of the child, but they did not offer practical advice on implementation; it would also be useful perhaps to provide country delegations with information on measures successfully taken by

United Nations bodies and agencies to resolve problems of the kind that the country in question was facing. Many such efforts were administrative and did not require a significant outlay of resources.

20. Mr. GORLICK (Office of the United Nations High Commissioner for Refugees) said that UNHCR's work was governed by the 1951 Convention relating to the status of refugees and 1967 Protocol, in combination with several human rights instruments, the Convention on the Rights of the Child among them. The mandates were indeed complementary. When, for instance, the Committee on the Rights of the Child set new human rights standards, UNHCR in turn used them as criteria for collecting information. Interestingly, when UNHCR contacted its field officers to request that a certain kind of information should be collected the officers were often unaware that the particular problem area existed. Furthermore, the Committee's concluding observations had a strong impact on UNHCR's work in connection with children. First, once a violation of the terms of the Convention had been identified, UNHCR was in a position to place a claim for refugee status or, the more likely, to negotiate with Governments on the basis of the mandates of both UNHCR and the Committee. UNHCR relied on the Committee's observations in its appeals to Governments. Second, the practical observations of a treaty body were always more effective in the formulation of policy than were empty rhetorical statements.

21. If the Committee required first hand information about a country under consideration, it could always contact UNHCR, which had field officers constantly on the scene. It should also be noted that the information UNHCR collected for the Committee always proved useful for its own work, too. It was extremely reliable, having been reviewed in several stages, and should above all be put to good use. Finally, it was important for Committee members to know that they could easily arrange to have direct access to the UNHCR database.

22. Mr. PICARD (International Labour Organisation) said that the note by the Secretary-General (CRC/C/37) which provided a table summarizing the Committee's observations with regard to areas in which States parties required technical assistance had made for a fruitful exchange between the Committee and the specialized agencies. Since it had received the first note of that type, ILO had sent information requests to all its regional offices and multi-disciplinary teams, asking them to consider those findings in the formulation of the country programmes. So far, only some of the teams in the field had responded, but ILO planned to continue along those lines. It was essential to make a regular appraisal of the progress made between five-year reports, as well as the actual success of measures taken in response to specific requests from specialized agencies. Such notes should, in his view, be individualized; a brief letter might accompany them, signalling, for example, areas relevant to the work of the particular agency.

23. Again, the ILO was ready and willing to assist in publishing the results of the Committee's general thematic discussions, but it could prove useful to allow the agencies to take part in a brief preparatory meeting that would address the content of the general discussions as well as the nature of any

work the agencies might undertake in preparation for them. Nevertheless, the experience of the agencies might be most useful in the pre-sessional working group. The Committee could consider allowing them to play a part at that stage as well.

24. Mrs. SARDENBERG said that she was grateful to the specialized agencies for the valuable country information they provided. It might be useful for the Committee to explore the idea of asking the agencies to conduct a follow-up of its concluding observations and supply information on any progress made in the country in question since the date of consideration of the last report.

25. Mr. HAMMARBERG said that general agreement seemed to be taking shape. First, a full meeting might be set aside in May to bring the present discussion to a conclusion; it should be added that the results could well prove useful to the newly reconstituted Committee. The Committee would request the secretariat to summarize all the suggestions made in connection with item 2, which focused on the experience of the agency side of Committee/agency cooperation, and ways of improving their cooperation, especially through modern information techniques, and item 6, on whether agencies could attend the Committee's meetings on a regular basis without unduly straining their resources. The suggestions could be circulated to the agencies, which would be asked to review them for accuracy.

26. Second, items 1, 3 and 5 of the agenda would be considered at the May meeting. Of the six points listed under item 1, the last two, concerning support for national processes and international cooperation for the implementation of the Convention, could usefully be discussed by all of the agencies, while the remaining points might be of relevance to only one or two of them.

27. Third, the agencies would take part in the general thematic discussions, the next of which was scheduled for the October session. The Committee would also meet with the agencies to discuss the content of the discussions and the dates would be established well in advance so as to allow time for the agencies to prepare their contributions as well as to set publication schedules.

28. Lastly, the formal agreements regarding cooperation with agencies should be evaluated by all parties in terms of their real impact; the secretariat could prepare a progress report on the success of those agreements. The Committee might also wish to contribute to their formulation.

29. Mrs. SANTOS PAIS said that information from the Centre for Human Rights on the implementation of the agreement with UNICEF would be welcome. The Committee should ponder the way in which its general thematic discussions could be edited for publication. In her view, it was especially important that they should be written in a clear, accessible style. The specialized agencies might also wish to suggest new topics.

30. Mr. KOLOSOV, referring to item 4, said it was regrettable that, on the basis of the very productive general thematic discussions held so far, the Committee had not yet been able to issue any general comments. In the four

years since the establishment of the Committee, members had acquired sufficient experience and material to be able to formulate general comments and he hoped work would commence on them without further delay.

31. Mrs. KLEIN (Centre for Human Rights) said that a framework agreement had already been concluded with UNICEF, while consultations were under way on similar agreements with other specialized agencies and, through the efforts of the High Commissioner for Human Rights, it was hoped that they would be finalized shortly. The present agreement with UNICEF provided for regular liaison with the Centre for Human Rights. Their secretariats were currently working together on a number of projects, including the study on the protection of children in armed conflicts requested of the Secretary-General under General Assembly resolution 48/157, following recommendations made by the Committee at its third session. UNICEF had generously provided financial and human resources for those projects.

32. Computer experts from UNICEF and the Centre for Human Rights had met several times and had agreed to set up a small database for the Committee on the Rights of the Child which would be linked up to the general network servicing other treaty bodies. UNICEF had also been furnished with software containing States parties reports, concluding observations and other information which would be circulated to UNICEF regional offices. The possibility of distributing an information kit on the Committee on the Rights of the Child was also being looked into. She welcomed the support UNICEF had given the Committee in its informal regional meetings and looked forward to further discussions with UNICEF representatives on possible expansion of the agreement so as to allow for new activities in 1996 and the implementation of planned projects which had not yet got under way.

33. As to universal ratification of the Convention on the Rights of Child by 1995, she informed the Committee that, in September 1994, the Secretary-General had dispatched letters to Heads of State inviting them to consider early ratification of major human rights instruments, in compliance with obligations undertaken at the World Conference on Human Rights. A letter along similar lines would be prepared by the High Commissioner for Human Rights and the Executive Director of UNICEF.

34. Ms. BLANCHET (United Nations Children's Fund) also expressed satisfaction at the level of cooperation between UNICEF and the Centre for Human Rights and highlighted the benefits of ongoing and regular dialogue. She had just received information from UNICEF headquarters in New York that the venue of the next informal regional meeting would be South Asia, with visits to India, Pakistan and Bangladesh. In line with the Committee's recommendations and unlike previous meetings, the idea was that a few representatives would visit each country. The proposed theme was "Child labour", which was a particular problem in the region. The decision was by no means final, since consultations on the matter were still under way in New York. Any suggestions by the Committee on the Rights of the Child in that connection would therefore be most welcome.

35. Mrs. BELEMBAOGO said it was gratifying to hear the news given by the UNICEF representative, but the Committee would need some time for informal

discussions before it could make any concrete suggestions on the matter, preferably at the forthcoming meeting with UNICEF representatives from Headquarters, New York.

36. Mrs. SANTOS PAIS said she, too, welcomed the news of the forthcoming meeting and recalled that, at its seventh session, the Committee had considered the possible advantages of organizing smaller field missions, as necessary, over and above the informal regional meetings. The importance of such missions had been brought to the attention of the General Assembly by the United Nations High Commissioner for Human Rights. The countries proposed by UNICEF were certainly of interest to the Committee, which had already considered a report from Pakistan and was pleased at the opportunity for a follow-up. The reports of India and Bangladesh would be taken up shortly and hence a visit to those countries would be useful preparation for the dialogue with their delegations. She wondered whether other agencies might be interested in participating in the mission, in particular ILO.

37. Mrs. EUFEMIO said that on previous regional missions it had been found that, while local representatives were particularly helpful on specific activities run by their agency in the country concerned, they were fairly out of touch with events on the international scene. That was one aspect which must be looked into and where greater cooperation by the specialized agencies might be requested, although admittedly not all the agencies would have offices in the countries to be visited.

38. Mrs. TIMBERLAKE (World Health Organization) said that the dialogue between the Committee and representatives of the United Nations specialized agencies was indeed useful, since it provided the opportunity to discuss recent developments in areas of common concern. She was aware that a United Nations programme on the HIV/AIDS virus was planned for 1996; perhaps a briefing might be organized later in the year with the director of WHO's AIDS programme. WHO endorsed the idea of further general thematic discussions and above all looked forward to the preparation of general comments by the Committee. Members might also wish to consider the possibility of cooperating with WHO in deciding on topics for future general discussions. Some crucial health issues concerning children were of particular interest to WHO: the best interests of the child in terms of health; the scope of the right to privacy for children; the rights to education and information for children.

39. The CHAIRPERSON extended her thanks to all participants: the discussion on cooperation between the Committee and the United Nations agencies had once again proved very productive. A report of the meeting would be prepared and circulated without delay to the agencies concerned. The members of the Committee would give the various points raised during the meeting due consideration and she hoped that the agency representatives would do likewise. She looked forward to further opportunity for dialogue with agency representatives before, during and after the Committee's sessions and pre-sessional meetings. The second part of the meetings would be held in private, without summary records.

The public meeting rose at 5.10 p.m.